

**FILED**

DEC 05 2019

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**CLERK, U.S. BANKRUPTCY COURT  
WEST DIST. OF PENNSYLVANIA**

In re:	:	Case No. 19-23074-GLT
	:	
LARRY A KOVALAK, Sr.,	:	Chapter 13
	:	
<i>Debtor.</i>	:	Related to Dkt. No. 30
	:	

**ORDER DISMISSING BANKRUPTCY CASE *WITH* PREJUDICE**

This matter came before the Court on an *Order to Show Cause on Debtor's Failure to (i) Attend 2 Meetings of Creditors; (ii) Make Plan Payments; and (iii) Establish Good Faith.*<sup>1</sup> The Debtor, Larry A. Kovalak, Sr., initially filed the current chapter 13 bankruptcy case on August 2, 2019.<sup>2</sup> Mr. Kovalak received an extension of the automatic stay and missed several meetings of creditors.<sup>3</sup> Accordingly, his bankruptcy case is currently postured for dismissal because he failed to attend the meeting of creditors and has not made any plan payments.

The Court issued its *Order to Show Cause* to determine whether dismissal of the case should be “with” or “without” prejudice.<sup>4</sup> Mr. Kovalak was ordered to appear in person, but did not do so, though his attorney appeared on his behalf. During a hearing on the matter, the chapter 13 trustee supported dismissal of the case with prejudice, indicating that Mr. Kovalak has not made any plan payments. Mr. Kovalak’s counsel did not refute these statements.

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<sup>1</sup> Dkt. No. 30.

<sup>2</sup> Dkt. No. 1.

<sup>3</sup> Dkt. Nos. 24, 26, 29

<sup>4</sup> Dkt. No. 20.

Upon review of this matter, the Court finds that it must consider Mr. Kovalak's actions within the context of his prior bankruptcy cases. This is his third bankruptcy case, and none of the prior filings successfully resulted in a discharge:

<u>Case No.</u>	<u>Petition Date</u>	<u>Dismissal Date</u>	<u>Reason for Dismissal</u>
17-22691-GLT	June 30, 2017	January 22, 2018	Failure to attend meeting of creditors
18-23100-GLT	August 02, 2018	December 18, 2018	Failure to attend meeting of creditors

Mr. Kovalak's case history shows a recurring pattern of conduct. In all three cases, Mr. Kovalak did not make a single plan payment or attend a single meeting of creditors.<sup>5</sup> Because it was part of the reason his previous cases were dismissed, and because Mr. Kovalak was represented by experienced bankruptcy counsel, he knew (or should have known) that attending the meeting of creditors and making regular plan payments was necessary for the case to proceed.

After surveying Mr. Kovalak's past forays into bankruptcy, the Court finds that he has shown a chronic lack of compliance and an absence of good faith. Because Mr. Kovalak made no effort to advance his current bankruptcy case by fulfilling his basic obligations as a debtor and considering his recent history, it is apparent this case was commenced in bad faith and without a genuine intent to pursue legitimate bankruptcy relief. The Court cannot tolerate such abuse.

Based on the foregoing and for the reasons stated on the record, it is hereby **ORDERED, ADJUDGED, and DECREED** that:

1. The above-captioned case is **DISMISSED with prejudice**. The Debtor is ineligible to file bankruptcy under any chapter of the Bankruptcy Code for **180 days** in this or any

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<sup>5</sup> In addition, he failed to pay the filing fee in his two prior cases.

other district. The Debtor remains liable for all his debts as if the bankruptcy petition had not been filed. Creditor collection remedies regarding the Debtor is reinstated pursuant to 11 U.S.C. § 349. Creditors are directed to 11 U.S.C. § 108(c) for time limits on filing a lawsuit to collect.

2. The Court retains jurisdiction over the chapter 13 trustee's final report and account, and the trustee's certificate of distributed funds. Following submission of a final accounting and certification of distributed funds, the trustee shall be deemed discharged from her duties in this case and the case shall be closed without further Order of Court.

Dated: December 4, 2019

  
\_\_\_\_\_  
GREGORY L. TADDONIO  
UNITED STATES BANKRUPTCY JUDGE

Case administrator to mail to:  
Debtor  
Paula Cialella, Esq.  
Ronda J. Winnecour, Esq.  
Office of the U.S. Trustee  
Entire Mailing Matrix

**Certificate of Notice Page 4 of 5**  
 United States Bankruptcy Court  
 Western District of Pennsylvania

In re:  
 Larry A Kovalak, SR  
 Debtor

Case No. 19-23074-GLT  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0315-2

User: culy  
 Form ID: pdf900

Page 1 of 2  
 Total Noticed: 24

Date Rcvd: Dec 06, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 08, 2019.

db  
 15098870 +Larry A Kovalak, SR, 1811 Renee Drive, South Park, PA 15129-9359  
 15098872 +Citizens Bank, N.A., 10561 Telegraph Road, Glen Allen, VA 23059-4577  
 15098873 +First Premier, 3820 N. Louise Ave., Sioux Falls, SD 57107-0145  
 15098873 +KML Law Group, PC, Attn: James C. Warmbrodt, Esquire, 701 Market Street, Suite 5000, Philadelphia, PA 19106-1541  
 15098875 +People's Natural Gas Company, PO Box 644760, Pittsburgh, PA 15264-4760  
 15098879 +S. James Wallace, P.C., 845 N. Lincoln Avenue, Pittsburgh, PA 15233-1828  
 15098882 +UPMC Physician Services, PO Box 1123, Minneapolis, MN 55440-1123

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

15098868 +E-mail/PDF: EBN\_AIS@AMERICANINFOSOURCE.COM Dec 07 2019 02:38:47 American InfoSource LP,  
 4515 N Santa Fe Avenue, Oklahoma City, OK 73118-7901  
 15098867 +E-mail/PDF: EBN\_AIS@AMERICANINFOSOURCE.COM Dec 07 2019 02:39:28 American InfoSource LP,  
 PO Box 248838, Oklahoma City, OK 73124-8838  
 15098869 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Dec 07 2019 02:37:58 Capital One,  
 PO Box 71083, Charlotte, NC 28272-1083  
 15104175 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Dec 07 2019 02:39:12  
 Capital One Bank (USA), N.A., by American InfoSource as agent, PO Box 71083,  
 Charlotte, NC 28272-1083  
 15098871 +E-mail/PDF: creditonebknofications@resurgent.com Dec 07 2019 02:39:20 Credit One Bank,  
 PO Box 98872, Las Vegas, NV 89193-8872  
 15098874 +E-mail/PDF: resurgentbknofications@resurgent.com Dec 07 2019 02:38:43 LVNV Funding, LLC,  
 PO Box 10587, Greenville, SC 29603-0587  
 15104425 E-mail/PDF: resurgentbknofications@resurgent.com Dec 07 2019 02:38:10 LVNV Funding, LLC,  
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587  
 15098876 +E-mail/Text: bankruptcypgl@plaingreenloans.com Dec 07 2019 02:41:02 Plain Green LLC,  
 93 Mack Road Suite 600, PO Box 270, Box Elder, MT 59521-0270  
 15098877 +E-mail/Text: JCAP\_BNC\_Notices@jcap.com Dec 07 2019 02:40:48 Premier Bankcard, LLC,  
 Jefferson Capital Systems LLC Assignee, PO Box 7999, Saint Cloud, MN 56302-7999  
 15119695 +E-mail/Text: JCAP\_BNC\_Notices@jcap.com Dec 07 2019 02:40:48 Premier Bankcard, LLC,  
 Jefferson Capital Systems LLC Assignee, Po Box 7999, Saint Cloud Mn 56302-7999  
 15098878 +E-mail/Text: bnc-quantum@quantum3group.com Dec 07 2019 02:40:18 Quantum3 Group LLC,  
 as agent for CF Medical LLC, PO Box 788, Kirkland, WA 98083-0788  
 15098880 +E-mail/Text: jennifer.chacon@spservicing.com Dec 07 2019 02:41:23  
 SPS Select Portfolio Servicing, PO Box 65250, Salt Lake City, UT 84165-0250  
 15098881 E-mail/PDF: ais.tmobile.ebn@americaninfosource.com Dec 07 2019 02:37:47 T-Mobile,  
 POBox 742596, Cincinnati, OH 45274-2596  
 15138371 E-mail/Text: jennifer.chacon@spservicing.com Dec 07 2019 02:41:23 U.S. Bank NA et. al.,  
 c/o Select Portfolio Servicing, Inc., P.O. Box 65250, Salt Lake City, UT 84165-0250  
 15130469 E-mail/PDF: EBN\_AIS@AMERICANINFOSOURCE.COM Dec 07 2019 02:38:47 Verizon,  
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 15098883 +E-mail/Text: wfmelectronicbankruptcynotifications@verizonwireless.com Dec 07 2019 02:39:55  
 Verizon, 500 Technology Drive, Suite 300, Weldon Springs, MO 63304-2225  
 15098884 +E-mail/Text: bnc-bluestem@quantum3group.com Dec 07 2019 02:41:05 Webbank/Fingerhut,  
 6250 Ridgewood Road, Saint Cloud, MN 56303-0820

TOTAL: 17

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

cr U.S. Bank NA, successor trustee to Bank of America

TOTALS: 1, \* 0, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Dec 08, 2019

Signature: /s/Joseph Speetjens

District/off: 0315-2

User: culy  
Form ID: pdf900

Page 2 of 2  
Total Noticed: 24

Date Rcvd: Dec 06, 2019

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### CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 6, 2019 at the address(es) listed below:

Brian C. Thompson on behalf of Debtor Larry A Kovalak, SR bthompson@ThompsonAttorney.com,  
blemon@thompsonattorney.com;mgillespie@thompsonattorney.com;bthompson@ecf.courtdrive.com;jgorze@t  
hompsonattorney.com;mswenson@thompsonattorney.com  
James Warmbrodt on behalf of Creditor U.S. Bank NA, successor trustee to Bank of America, NA  
ET AL... bkgroup@kmlawgroup.com  
Office of the United States Trustee ustpreregion03.pi.ecf@usdoj.gov  
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 4